

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION**

IN RE DOMINION DENTAL SERVICES
USA, INC. DATA BREACH LITIGATION

Action No. 1:19-cv-01050 (LMB-MSN)

MOTION TO DISMISS FIRST CONSOLIDATED CLASS ACTION COMPLAINT

Defendants Dominion Dental USA, Inc., Dominion Dental Services USA, Inc., Dominion Dental Services Inc., Dominion National Insurance Company, Dominion Dental Services of New Jersey, Inc., (collectively, Dominion National or the Dominion Dental defendants), and defendants Avalon Insurance Company, Capital Advantage Insurance Company, and Capital BlueCross (collectively, the Capital BlueCross defendants) respectfully move this Court to dismiss Plaintiffs' First Consolidated Class Action Complaint (D.E. 89) pursuant to Rules 12(b)(1), 12(b)(3), and 12(b)(6) of the Federal Rules of Civil Procedure. The grounds for this motion are set forth more fully in the accompanying memorandum in support, incorporated by reference herein, as well as the Declarations of David A. Carney and Kara Greenhouse included with the memorandum. A proposed order is also included with this motion.

Respectfully submitted,

Date: December 13, 2019

/s/ Katherine L. McKnight

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Jersey, Inc., Dominion Dental Services USA, Inc.,
Dominion Dental Services, Inc., Dominion Dental
USA, Inc., and Dominion National Insurance
Company*

CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/ Katherine L. McKnight
Counsel to Defendants